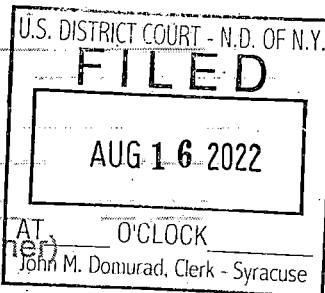


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



Alexander Alomar

Plaintiff(s),

v.

Craig D. Apple Sr., Albany County
Sheriff, County of Albany
Defendant(s).

COMPLAINT
(Pro Se Prisoner)

Case No. _____
(Assigned by Clerk's
Office upon filing)

Jury Demand

☒ Yes
☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)
(federal defendants)
☐ Other (please specify) _____

II. PLAINTIFF(S) INFORMATION

Name: Alexander Alomar
 Prisoner ID #: 22R1423
 Place of detention: Marcy Correctional Facility
 Address: 9000 Old River Rd, Marcy, NY 13403
P.O. Box 5000

Indicate your confinement status when the alleged wrongdoing occurred:

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

58369

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: Apple, Craig
 Name (Last, First)
Albany County Sheriff
 Job Title
16 Eagle Street
 Work Address
Albany NY 12207
 City State Zip Code

Defendant No. 2: _____
 Name (Last, First)

 Job Title

Work Address

City

State

Zip Code

Defendant No. 3:

Name (Last, First)

Job Title

Work Address

City

State

Zip Code

Defendant No. 4:

Name (Last, First)

Job Title

Work Address

City

State

Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On or about March 9th, 2022 at the Albany County Correctional Facility's Protective Custody Unit, the Plaintiff was attacked by the inmate in the next cell over, who previously was asking the Lt. if he could leave the P.C. tier some hours earlier. The Lt. refused the request of the other inmate and as soon as the cells opened for recreation the Plaintiff was attacked by said inmate outside of the supervision of a Corrections Officer while in the tier hallway. The CO responded about 2 minutes later after simply just standing there and not calling for assistance. The Plaintiff was then X-rayed a day later and told his septum was broken. At a follow up visit with the Facility Doctor, Plaintiff was told the bone needed to be reset within 14 days of the incident and an ENT appointment was set for 5 days past the 14 day deadline, and the Albany Med ENT Dr. wrote an order for surgery which ACCF is now telling Plaintiff is elective despite their delay being at fault.

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

Failure to protect, lack of supervision / response while in protective custody, failure to respond to other inmate who requested to move

SECOND CLAIM

Deliberate indifference of medical needs, untimely ENT appointment, not paying for surgery which could have been avoided if nose was reset on time

THIRD CLAIM

VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

\$460,000 Compensation, Defendant paying for surgery and follow up medical treatment

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

8/1/2022

Plaintiff's signature

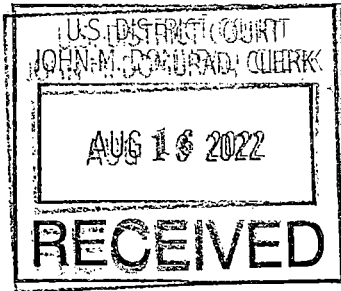
(All plaintiffs must sign the complaint)

(revised 10/2/16)

Sworn to before me
on this 13th day of 5
August, 2022
Notary Public

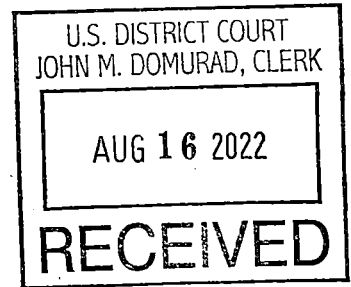
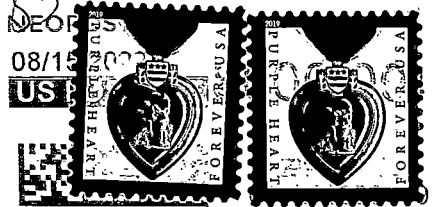
AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6414122
Qualified in Jefferson County
My Commission Expires: 2 June 2025

Alexander Alomar 22R1423
marcy C.F.
7000 old River Rd, P.O. Box 5000
Marcy, NY 13403



John Domurad, Clerk
United States District Court
Northern District of New York
P.O. Box 7367
100 S. Clinton Street
Syracuse, New York 13261

Marcy



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11/11/22 E. G. Almasi